

1 STEPHEN P. BERZON (#46540)

sberzon@altshulerberzon.com

2 LINDA LYE (#215584)

llye@altshulerberzon.com

3 CLAIRE P. PRESTEL (#235649)

cprestel@altshulerberzon.com

4 Altshuler Berzon LLP

177 Post Street, Suite 300

5 San Francisco, CA 94108

Telephone: (415) 421-7151

6 Facsimile: (415) 362-8064

7 ELIZABETH GINSBURG

(Admitted to Practice *Pro Hac Vice*)

8 elizabeth.ginsburg@alpa.org

Air Line Pilots Association, International

9 535 Herndon Parkway

Herndon, VA 20172-1169

10 Telephone: (703) 481-2424

Facsimile: (703) 481-2478

11 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SKYWEST PILOTS ALPA ORGANIZING)
COMMITTEE, *et al.*,)

16 Plaintiffs,)

17 vs.)

18 SKYWEST AIRLINES, INC.,)

19 Defendant.)
20

CASE No. C-07-2688 CRB

**DECLARATION OF STEPHEN
BERZON IN SUPPORT OF
PLAINTIFFS' MOTION TO
CHANGE TIME RE: PRELIMINARY
INJUNCTION HEARING TO JUNE
7, 2007**

1 I, Stephen P. Berzon, declare as follows:

2 1. I am a member of the bar of this Court and lead counsel for plaintiffs in this case.

3 2. The Court yesterday issued an Order stating that it would be available to conduct the
4 preliminary injunction on June 7, 2007 (or June 14, 2007), and that it would sign a stipulated order
5 moving the hearing to that date.

6 3. On May 26, 2007, Defendant proposed to Plaintiffs' counsel that Defendant's
7 Motion to Transfer Venue be heard on June 4, 2007 and that Plaintiffs' Motion for a Preliminary
8 Injunction be heard on June 6, 2007, a mere two days apart. Attached as Exhibit 1 to this
9 declaration is a true and correct copy of the email sent by Defendant's counsel to Plaintiffs' counsel
10 making this scheduling proposal.

11 4. On May 29, 2007, Defendant filed a Motion to Change Time proposing that the
12 transfer motion be set for June 4, 2007 and the preliminary injunction hearing be set for June 7,
13 2007, three days apart. Def's Mot. to Change Time (Doc. No. 48).

14 5. As I previously informed the Court, I was scheduled to be in Honolulu, HI on June 6
15 and 7, 2007, and in Hana on the island of Maui on June 8-11, 2007 on a long-planned, non-
16 refundable trip.

17 6. I can cancel the earlier, Honolulu portion of the trip and appear at the hearing on June
18 7, 2007. I cannot, however, cancel the latter, Hana portion of the trip, as that has been scheduled for
19 approximately nine months in connection with the celebration of my 40th wedding anniversary.

20 7. The June 14, 2007 date offered by the Court conflicts with Plaintiffs' schedule
21 because Ms. Ginsburg has an Alaskan cruise scheduled with her children, and one of Plaintiffs' key
22 witnesses is out of the country on that date.

23 8. Yesterday evening, my colleague Linda Lye left a voicemail message for Robert
24 Spagat, counsel for Defendant asking if Defendant would stipulate to the June 7, 2007 hearing date.

25 9. I then sent an email to Mr. Spagat asking Defendant to stipulate to the June 7, 2007
26 hearing date, as June 7, 2007 was the date initially proposed by Defendant in its own motion to
27 change time. This morning, Defendant responded via email and denied Plaintiff's request to
28 stipulate to the June 7, 2007 hearing date. A true and correct copy of our email correspondence is

1 attached as Exhibit 2 to this declaration.

2 10. As lead counsel for Plaintiffs in this case, it is critical that I be able to participate in
3 the preliminary injunction hearing. I plan on presenting oral argument, examining many of
4 Plaintiffs' witnesses, and taking the lead in cross-examining Defendant's witnesses. In preparation
5 for the preliminary injunction hearing, I am currently engaged in witness preparation and have
6 already devoted substantial time and effort to preparing for the hearing. The scheduling of the
7 preliminary injunction hearing on a date when I cannot attend would cause prejudice to Plaintiffs.

8 I declare under penalty of perjury that the foregoing is true and correct. Executed on May
9 31, 2007 at San Francisco, California.

10 
11 STEPHEN F. BERZON
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28